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Attorneys for Defendants Venetian Casino Resort, LLC and Las Vegas Sands Corp.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MUSTAFA YOUSIF and SHARONE
WALKER on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

THE VENETIAN CASINO RESORT, LLC;
LAS VEGAS SANDS, CORP. and DOES 1
through 50, inclusive,

Defendants.

Case No.: 2:16-cv-02941-RFB-NJK

**JOINT STIPULATION RE
CORRECTION OF [PROPOSED]
AMENDED NOTICE AND [PROPOSED]
ORDER**

Per the Court's Orders granting Plaintiffs' Motion to Certify Class for Conditional Certification and for an Order Circulating Notice Pursuant to 29 U.S.C. § 216(b) (ECF No. 108)

and Order approving FLSA Notice (ECF No. 109), the Notice approved by the Court does not reflect subsequent changes made by agreement of the Parties to the operative Complaint. Specifically, the operative Complaint, the fourth amended complaint (hereinafter “Complaint” at ECF No. 98) removes all allegations of unpaid pre-shift meetings. Plaintiffs’ Complaint alleges uncompensated pre- and post-shift work task but does not include uncompensated pre-shift meetings. Further, after some discussion, the Parties agree and have filed a Stipulation and Order to Dismiss Defendant Las Vegas Sands Corp. from this matter. (ECF No. 110.) The Notice must be amended to reflect these changes.

Accordingly, the Parties have jointly amended the Notice and submit Exhibit A, the Stipulated Proposed Amended Notice for the Court’s review and approval.

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The Parties do not seek an extension of deadlines set forth in the Court's Order approving
FLSA Notice. (ECF No. 109).

Respectfully submitted,

Dated this 8th day of October 2018.

Dated this 8th day of October 2018.

THIERMAN BUCK, LLP

OGLTREE, DEAKINS, NASH, SMOAK,
& STEWART, P.C.

/s/Leah L. Jones

/s/Dana B. Salmonson

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Reno, Nevada 89511

Las Vegas, NV 89169

*Attorneys for Plaintiffs Mustafa Yousif and
Sharone Walker*

*Attorneys for Defendants Venetian Casino
Resort, LLC and Las Vegas Sands Corp.*

ORDER

IT IS SO ORDERED _____, 2018.

DATED: October 10, 2018.



RICHARD F. BOULWARE, II
United States District Court

Exhibit List

Exhibit A: Plaintiffs' Proposed Amended Notice

EXHIBIT A

EXHIBIT A

THIERMAN BUCK, LLP
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*Attorneys for Plaintiffs MUSTAFA YOUSIF
and SHARONE WALKER on behalf of themselves
and all others similarly situated*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MUSTAFA YOUSIF and SHARONE
WALKER on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

THE VENETIAN CASINO RESORT, LLC;
LAS VEGAS SANDS, CORP and DOES 1
through 50, inclusive,

Defendants.

Case No.: 3:16-cv-02941-RFB-NJK

**[PROPOSED] NOTICE OF PENDENCY
OF FLSA COLLECTIVE ACTION
LAWSUIT**

TO: All current and former non-exempt employees who were employed as housekeepers by Defendant THE VENETIAN CASINO RESORT, LLC, during the relevant time period.

RE: Fair Labor Standards Act lawsuit filed against THE VENETIAN CASINO RESORT, LLC.

INTRODUCTION

The purpose of this notice is to:

- 1) inform you of the existence of a lawsuit seeking recovery of unpaid overtime compensation under the Fair Labor Standards Act (“FLSA”) in which you may be “similarly situated” to named-Plaintiffs MUSTAFA YOUSIF and SHARONE WALKER;
- 2) advise you of how your rights may be affected by this lawsuit; and
- 3) instruct you on the procedure for participating in this lawsuit, if you choose to do so.

This Notice is not an expression by the court of any opinion as to the merits of any claims or defenses asserted by any party to this action.

DESCRIPTION OF THE LAWSUIT

On October 27, 2016, Plaintiffs MUSTAFA YOUSIF and SHARONE WALKER (“Plaintiffs”) filed a class and collective action complaint against THE VENETIAN CASINO RESORT, LLC and DOES 1 through 50, inclusive, (“Venetian/Palazzo” or “Defendant”), on behalf of themselves and all others similarly situated, for unpaid wages under the FLSA and Nevada state law. Specifically, Plaintiffs claim that they and other persons employed as housekeepers by the Venetian/Palazzo are entitled to unpaid wages because they were not paid for the time it took employees to obtain station assignments, load and fill their cleaning carts with items required to complete their daily work duties prior to clocking in for the beginning of employees’ regularly scheduled shift start time, and/or completing room assignments after clocking out resulting in unpaid overtime premium compensation for hours worked over 40 in a workweek. Plaintiffs seek to recover unpaid overtime premium pay in an amount equal to the alleged unpaid wages and liquidated damages (double damages) on behalf of themselves and all other similarly situated individuals resulting from the Venetian/Palazzo’s alleged unlawful conduct as well as other damages provided by law. Plaintiffs have also brought various state law claims arising out of the same behavior but those claims are not at issue in this Notice.

Defendant denies Plaintiffs’ claims and denies it is liable for any damages resulting from this lawsuit.

DEFINITION OF WHO MAY PARTICIPATE IN THIS LAWSUIT

To participate in this lawsuit, you must have been employed as a housekeeper by THE VENETIAN CASINO RESORT, LLC at any time from October 27, 2013 to the present and you were not paid compensation for the time it took you to obtain your work station assignment for the day, load and fill your cleaning carts with items required to complete your daily work duties, prior to clocking in for your regularly scheduled shift, and/or for completing room assignments after clocking out.

YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT

If you fit the definition above, you may join this case by mailing the enclosed “Consent to Join” form to the third party administrator (“the Administrator”) at the following address or complete an electronic consent to join form at the Web site listed:

[Insert Claims Administrator Name]
[Insert Claims Administrator Address]
[Insert Web Site]

If you want to join this lawsuit, you must submit a form to the Claims Administrator so the attorneys prosecuting this case have time to file it with the United States District Court. If you do not return the “Consent to Join” form in time for it to be filed with the United States District Court, you may not be able to participate in this lawsuit.

EFFECT OF JOINING THIS SUIT

If you choose to join this case, you will be bound by the decision of the Court, whether it is favorable or unfavorable.

If you sign and return the “Consent to Join” form you are agreeing to:

- 1) designate Plaintiffs as your agents to make decisions on your behalf concerning this lawsuit;
- 2) the method and manner of conducting this lawsuit;
- 3) enter into an agreement with Plaintiffs’ counsel concerning attorneys’ fees and costs; and
- 4) all other matters pertaining to this lawsuit.

These decisions and agreements made and entered into by the Plaintiffs named on the caption on the lawsuit will be binding on you if you join this lawsuit. However, the Court has jurisdiction to determine the reasonableness of any settlement with the Defendant, and any agreement concerning the reasonableness of any attorneys’ fees and costs that are to be paid to the Plaintiffs’ counsel.

The attorneys for the Plaintiffs’ class are being paid on a contingency fee basis, which means that if there is no recovery there will be no attorneys’ fee. If Plaintiffs prevail in this litigation, the attorneys for the class will request that the court either determine or approve the amount of attorneys’ fee and costs they are entitled to receive for their services. The Fair Labor Standards Act provides only for attorneys fees for the Plaintiffs, if successful, and not for the Defendant, although a Court could award Defendant attorneys’ fees for misconduct or other reasons not covered by this statute.

LEGAL EFFECT IN NOT JOINING THIS SUIT

You do not have to join this lawsuit. If you do not wish to participate in this lawsuit, then do nothing. If you choose not to join this lawsuit, you will not be affected by any judgment, dismissal, or settlement rendered in this lawsuit, whether favorable or unfavorable to the class. This means that if Plaintiffs win, you will not collect any money from this lawsuit; if Plaintiffs lose, you will not lose any claims you may or may not have under the FLSA. If you choose not to join this lawsuit you are free to file your own lawsuit.

STATUTE OF LIMITATIONS ON POTENTIAL CLAIMS

The maximum period of time that you can collect unpaid wages under the FLSA is three (3) years from when you worked the hours if Plaintiffs establish that Defendant acted willfully, but were not paid for pre-shift and post-shift work activities at the legally correct pay rate. If the Plaintiffs cannot prove the Defendant acted willfully, the statute of limitations is two (2) years. The statute of limitations continues to expire until you file with the court a written consent to join this lawsuit, or initiate your own lawsuit to collect your unpaid wages.

NO RETALIATION PERMITTED

Federal Law prohibits Defendant from discharging you or in any other manner discriminating against you if you exercise your rights under the FLSA to seek compensation. *Participation in this lawsuit is not related to or affected by any offer of severance benefits or release you may have recently signed.*

YOUR IMMIGRATION STATUS DOES NOT MATTER IN THIS CASE

You are entitled to back pay for the alleged unpaid wages and liquidated damages under the FLSA even if you are not otherwise legally entitled to work in the United States. Bringing a claim in the court for unpaid wages is not a basis for you to be deported from the United States.

YOUR LEGAL REPRESENTATION IF YOU JOIN

If you choose to join this lawsuit and agree to be represented by the named Plaintiffs through their attorneys, your counsel in this action will be the attorneys at:

Thierman Buck, LLP
7287 Lakeside Drive
Reno, NV 89511
775-284-1500
Email: info@thiermanbuck.com

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www.thiermanbuck.com

FURTHER INFORMATION

Further information about this Notice, the deadline for filing a “Consent to Join” form, or questions about this lawsuit may be obtained by contacting the Thierman Buck, LLP at the contact information listed immediately above.

The court has taken no position in this case regarding the merits of the Plaintiffs’ claims or of the Defendant’s defenses.

DO NOT CONTACT THE CLERK OF THE COURT

DATED:

UNITED STATES DISTRICT COURT JUDGE